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BIOGENEX LABORATORIES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BIOGENEX LABORATORIES.

) Case No.: CV09-04210 MHP

22

) STIPULATION TO MODIFY
) SCHEDULE SET FORTH IN
) MANAGEMENT ORDER; [P]
) ORDER

25 SENTARA HEALTHCARE

) Complaint Filed: September 11, 2009

26 Defendant.

) Judge: Hon. Marilyn H. Patel

27 |

) Trial date: October 4, 2011

1 Plaintiff BioGenex Laboratories, through its counsel of record, Douglas Akay, and
2 defendant Sentara Healthcare, through its counsel of record, Sean P. Nalty, Wilson, Elser,
3 Moskowitz, Edelman & Dicker LLP, hereby stipulate as follows:

4 1. The parties have mediation in this matter on May 17, 2011 before the Honorable
5 Alfred G. Chiantelli (Rct.). This is the first date in which the parties and Judge Chiantelli are
6 available for mediation.

7 2. Accordingly, the parties hereby stipulate to modifying the schedule set forth in the
8 Court's Case Management Order dated October 5, 2010 as follows:

9
10 ADR completion: May 31, 2011
11 Disclosure of all witnesses (including rebuttal): June 30, 2011
12 Non-expert discovery cutoff: July 29, 2011
13 Designation of experts: August 26, 2011
14 Hearing of dispositive motions: August 26, 2011

15 The stipulated schedule set forth above will not effect the dates set for the completion of
16 expert discovery, the pretrial conference and the trial date as set forth in the Court's Case
17 Management Order. The trial date in this matter remains October 4, 2011.
18

19 IT IS SO STIPULATED.
20

21 Dated: March 10, 2011

22 WILSON, ELSER, MOSKOWITZ, EDELMAN &
23 DICKER LLP

24 By: /s/ Sheena V. Jain
25 Robert C. Gebhardt
26 Sheena V. Jain
27 Attorneys for Defendant
28 SENTARA HEALTHCARE

1 Dated March 10, 2011

AKAY SULL LLP

3 By: /s/ Douglas N. Akay

4 Douglas N. Akay
Attorney for Plaintiff
5 BIOGENEX LABORATORIES

6 **[PROPOSED] ORDER**

7 Based on the stipulation of the parties, and good cause appearing therefore, the Court
8 hereby modifies the schedule set forth in the Case Management Order as follows:

9 ADR completion: May 31, 2011
10 Disclosure of all witnesses (including rebuttal): June 30, 2011
11 Non-expert discovery cutoff: July 29, 2011
12 Designation of experts: August 26, 2011
13 Hearing of dispositive motions: August 26, 2011

14
15 The date for completion of expert discovery and the pretrial conference remains
16 September 15, 2011. The trial date in this matter remains October 4, 2011.
17

IT IS SO ORDERED.

18 Date: 3/11/2011

19 By: _____



CERTIFICATE OF SERVICE
Biogenex Laboratories v. Sentara Healthcare
USDC NDCA Case #CV09-04210 MHP

I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address are 525 Market Street, 17th Floor, and San Francisco, California 94105-2725. On this date I served the following document(s):

STIPULATION TO MODIFY SCHEDULE SET FORTH IN CASE MANAGEMENT ORDER; [PROPOSED] ORDER

on the part(y)(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

: By First Class Mail -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

: By Overnight Courier -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the addressee on the next business day.

: **Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

XXX : Electronically on the recipients designated on the Transaction Receipt located on U.S. District Court website.

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Biogenex Laboratories*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on March 10, 2011, at San Francisco, California.

Elizabeth Bates
Elizabeth Bates